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Fresno, California

May 11, 2004

The City Council met in regular session at the hour of 8:31a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Henry Perea	Acting Council President
	Cynthia Sterling	Councilmember
	Brad Castillo	Council President

Dan Hobbs, City Manager
Andy Souza, Assistant City Manager
Hilda Cantu Montoy, City Attorney
Becky Klisch, City Clerk
Yolanda Salazar, Assistant City Clerk

Councilmember Dages gave the invocation, and President Castillo led the Pledge of Allegiance to the Flag.

PROCLAMATION OF FAMILY AWARENESS DAY

PROCLAMATION FOR RON AND NINA CURTIS - COUNCILMEMBER DAGES

PRESENTATION OF LIFE SAVING COMMENDATIONS - CITY MANAGER HOBBS

PRESENTATION OF CERTIFICATES TO THE WINNERS OF THE 12TH ANNUAL SENIORS SERVING SENIORS AWARDS LUNCHEON - COUNCILMEMBER STERLING

The above proclamations and commendations were read and presented.

APPROVE MINUTES:

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, the minutes of May 4, 2004, approved, as amended, by City Manager Hobbs on Page 143-151, third issue/third paragraph, adding the underlined italicized language to the second sentence as follows: "Mr. Hobbs recommended the Council deliberate long and hard on the Public Safety Commission Report and the FY 05 budget to address the issue."

COUNCILMEMBER REPORTS AND COMMENTS:

"FRES-YES" SLOGAN - COUNCILMEMBER DUNCAN

Councilmember Duncan commended Councilmember Calhoun for his foresight on his "Fres-Yes!" slogan noting it went national and a line of clothing popular among the young sold out, and presented Councilmember Calhoun with a cap and coffee cup bearing the slogan.

SENIOR RESOURCE CENTER - COUNCILMEMBER STERLING

Councilmember Sterling submitted written material to Council and gave a status report on the center, advised it was open and functioning, encouraged Acting President Perea to continue to bring the issue of senior centers back, and stated the Fresno-Madera Area Agency on Aging was doing what was necessary to complete the center.

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COMMENDATION TO FRESNO FIRE AND POLICE DEPARTMENTS AND THE OTHER FIRE AGENCIES WHO RESPONDED FOR THEIR COOPERATION AND WORK ON THE SOUTHEAST FRESNO GRASS FIRE - COUNCILMEMBER DAGES

Commendation made.

REQUEST TO STAFF TO LOOK INTO IMPROVING THE CONDITION OF PEACH AVENUE BETWEEN FLORENCE AND HAMILTON AVENUES - COUNCILMEMBER DAGES

Request made.

WORKSHOP ON URBAN FOREST - COUNCILMEMBER DAGES

Upon question, City Manager stated he would work with President Castillo to set a date for the workshop adding it would probably be scheduled after budget deliberations.

TROLLEY CREEK PARK - COUNCILMEMBER DAGES

Upon the request of Councilmember Calhoun, Councilmember Dages stated the park was going to be similar to Oso de Oro park for people with special needs, advised the park had replicas of the Meux Home, Water Tower, and a full-size scale of the trolley car that used to go up and down Huntington Boulevard, and spoke to the successful tree/shrub planting event that was held Saturday and the great community participation.

APPROVE AGENDA:

(1-C) APPROVE A PROFESSIONAL SERVICES AGREEMENT WITH TECHNICON ENGINEERING SERVICES, INC. (TECHNICON), FOR TESTING AND SPECIAL INSPECTION SERVICES FOR THE CONVENTION CENTER PARKING STRUCTURE

-and-

(1-D) APPROVE A PROFESSIONAL DESIGN SERVICES AGREEMENT WITH COOPER PUGEDA MANAGEMENT, INC. (CPM) FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE CONVENTION CENTER PARKING STRUCTURE

The above items 1-C and 1-D were laid over one week at the direction of staff. President Castillo requested staff provide information next week on the price differences, if any, between the consultants. Relative to the two items and during consideration of the consent calendar, Councilmember Calhoun thanked staff for including in the staff reports information on the number of companies who were interviewed.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	None

ADOPT CONSENT CALENDAR:

Gloria Torrez stated consent calendar items were not routine and needed to be discussed and acted upon separately; spoke to item 1-A questioning if natural gas vehicles were involved and if the sedans were for Laidlaw, and expressed concerns relative to ridership; relative to 1-F stated her opposition to the power general facility (PGF) due to air pollution; spoke in opposition to item 1-G as \$5 million of transit grant funds were being used; and spoke in opposition to 1-N stating natural gas buses were not needed to survive.

(1-B) CONSIDER THE PROPOSED SHIELDS-TEMPERANCE NO. 3 REORGANIZATION

1. ADOPT THE FINDING OF THE MITIGATED NEGATIVE DECLARATION DATED NOVEMBER 26, 2003, FOR ENVIRONMENTAL ASSESSMENT NO. R-03-45/T-5233 THAT THE REORGANIZATION WILL NOT HAVE A SIGNIFICANT ADVERSE EFFECT UPON THE ENVIRONMENT

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2. RESOLUTION NO. 2004-154 - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED SHIELDS-TEMPERANCE NO. 3 REORGANIZATION FOR THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF APPROXIMATELY 81 ACRES FROM THE FRESNO COUNTY FIRE PROTECTION DISTRICT AND THE KINGS RIVERS CONSERVATION DISTRICT AND ANNEXATION OF THE SAME TERRITORY TO THE CITY OF FRESNO (PROPERTY LOCATED IN DISTRICT 4)

(2 - 0) Councilmember Boyajian spoke in opposition to 1-B stating 81 acres of housing would definitely impact the area and added an EIR was needed under CEQA.

On motion of Councilmember Duncan, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled Item 1-B hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	Boyajian
Absent	:	None

ADOPT BALANCE OF CONSENT CALENDAR:

(1-E) APPROVE ACQUISITION OF TWO STREET EASEMENTS (APNs 504-090-66 AND 404-090-87) FROM ANTOINETTE LAMBE FOR A TOTAL OF \$120,000 FOR THE WIDENING OF HERNDON AVENUE BETWEEN POLK AND WEBER, AND AUTHORIZE THE INTERIM PUBIC WORKS DIRECTOR TO SIGN THE DOCUMENTS ON BEHALF OF THE CITY

(1-F) APPROVE AN AMENDMENT TO THE AGREEMENT WITH HDR ENGINEERING, INC., FOR \$181,282 FOR CONSTRUCTION ENGINEERING SERVICES FOR THE POWER GENERATION FACILITY (PGF) AT THE REGIONAL WASTEWATER RECLAMATION FACILITY, AND AUTHORIZE THE CITY MANAGER OR DESIGNEE TO SIGN THE AMENDMENT ON BEHALF OF THE CITY

(1-G) APPROVE THE REQUEST FROM REYMAN BROTHERS TO SUBSTITUTE SUBCONTRACTOR TWO RIVERS DEMOLITION WITH KROEKER, INC., FOR THE HEAVY DEMOLITION PORTION OF THE SANTA FE DEPOT REHABILITATION PROJECT

(1-H) RESOLUTION NO. 2004-155 - 84TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$33,600 TO THE PARKS DEPARTMENT FROM THE DEPARTMENT OF PUBLIC WORKS COMMUNITY FACILITIES DISTRICT NO. 2 FUNDS FOR THE MAINTENANCE OF LANDSCAPING OF NEWLY ANNEXED TRACTS

(1-L) AWARD A CONTRACT TO J F PACIFIC LINERS, INC., OF VACAVILLE, CA, IN THE AMOUNT OF \$178,647.59 FOR THE CLEANING OF SANITARY SEWER TRUNK LINES

(1-M) REJECT ALL BIDS FOR A REQUIREMENTS CONTRACT FOR CHEMICAL METERING PUMPS USED TO MONITOR AND DISPERSE WATER TREATMENT CHEMICALS BY THE WATER DIVISION

(1-N) AWARD A CONTRACT TO FRESNO TRUCK CENTER IN THE AMOUNT OF \$267,101.19 FOR ONE CLASS 8 "SUPER" DUMP TRUCK AND ONE CLASS 8 "15 YARD" DUMP TRUCK

(1-O) RESOLUTION NO. 2004-156 - AUTHORIZING THE CITY'S PARTICIPATION IN AND APPLICATION FOR THE \$250,000 OFF HIGHWAY VEHICLE (OHV) GRANT PROGRAM OFFERED BY THE STATE OF CALIFORNIA, STATE PARKS DEPARTMENT, AND AUTHORIZE COMPLETION OF ALL RELATED DOCUMENTS

Councilmember Calhoun commended Capt. Rhames and the police department on Item 1-O for their leadership and stated this was an excellent example of inter-jurisdictional cooperation and explained.

On motion of Councilmember Duncan, seconded by Acting President Perea, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

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(9:15 A.M.) PRESENTATION REGARDING MEXICANA AIRLINES INTERNATIONAL PASSENGER AIR SERVICE AT FRESNO YOSEMITE INTERNATIONAL (FYI) AIRPORT

Interim Director of Transportation Esquivel gave an extensive overview of the issue, all as contained in the staff report as submitted. Deputy Mayor Montero stated the Mayor's office was very supportive of the effort, relative to ag concerns stated the office was very sensitive to the issues at hand and had every confidence those issues could be mitigated, spoke in support of Mexicana Airlines stating they were a respected industry leader in air traffic and were well established, and stated the Mayor's office looked forward to entering into negotiations with Mexicana once they are assured the systems are in place to protect the valuable agricultural community and homeland security goals.

Mexicana representatives Jorge Goytortua, Regional Vice President for Sales & Service, and Carlos Caso , Marketing Manager, spoke to their proposal for direct jet service to Mexico due to the huge market here and spoke to the background, objectives and demographics of Mexicana Airlines.

****Visiting students from Liberty Intermediate School in Kerman were recognized and welcomed.**

Speaking in support of moving towards international status with proper passenger and freight safeguards, to not being included in the process, in support of establishing a task force to study the issues, and/or to the need for everyone to work together to accomplish all goals were: Dave Spaur, President, Economic Development Corporation; Joel Nelson, President, California Citrus Mutual, who submitted written material; Manuel Cunha, Jr., Nisei Farmers League, who submitted written material on insects, predators and disease that was apprehended at LAX; Barry Bedwell, President, California Grape and Tree Fruit League; and Debbie Jacobsen, President, Fresno County Farm Bureau, 426 W. Adams, who also stated they welcomed the opportunity to be a facilitator in this issue.

Susan Spaur, Business Development Consultant, 725 W. Quincy, Clovis, spoke in support of Mexicana's proposal and eliminating the resolution that prohibits FYI staff from pursuing non-stop international air service. Susan Good, representing Senator Florez' office, extended an invitation to the audience to attend Senator Florez' informational hearing in conjunction with Mayor Autry and President Castillo on Friday, May 14th from 10am to 2pm in the Council Chamber.

President Castillo noted the city invested over \$47 million in the airport with the intent to obtain better air service; stated this was a great opportunity for better service and a robust economy; clarified no one on the Council was going to diminish the concerns of the agricultural community; stated he had full confidence airports staff would address each and every concern of the ag community before moving forward and pointed out Sacramento faced the same barriers and they overcame them; spoke to the benefits of international flights and stated this was long overdue; and requested the city attorney draft a resolution rescinding the 1999 resolution and made a motion to direct staff to find revenue sources that would help in the temporary construction of a modular inspection station at FYI, work with congressional staff to gain user fee status at the airport, and direct airports staff to work closely with the members of the ag community who could act as facilitators to help address ag concerns. City Attorney Montoy clarified the motion was impermissible as this item was scheduled as a presentation only and advised President Castillo to place that issue on an upcoming agenda, whereupon President Castillo rescinded the motion and requested staff place his item on the agenda in one week for action. Upon question of Ms. Montoy, President Castillo clarified he would be asking next week for meet and confer to insure ag concerns are addressed and not taken by the wayside.

Councilmember Dages presented questions relative to whether this would be passenger service only and not cargo, if staff felt the farm industry would be protected, **(3 - 0)** if action in one week to rescind the 1999 resolution would allow the time necessary to build and operate an inspection facility and have Mexicana up and running in 4-6 months, and stated his support for moving forward, with Mr. Esquivel responding throughout. Mr. Esquivel and City Manager Hobbs responded to questions and comments of Councilmember Duncan and/or clarified issues relative to his concern with how the issue has been handled, why the resolution needed to be rescinded since it just was not allowing international carriers *until* ag concerns are resolved, number of meetings staff has held with the ag industry to date, concern that three respected ag organizations were unaware of the proposal, support for the formation of a task force with ag at the table to address concerns, cost for the temporary and permanent facilities, and need to treat ag concerns more seriously and immediately have the ag industry at the table as a key player. Acting President Perea stated the good news was everyone wanted Mexicana Airlines and the issue was how to get them here; clarified it was well known the valley was the #1 ag producer in the world but added Fresno was also becoming more of an urban city everyday and the people who live in the city needed to be catered to; stated he did not see this as a problem, he felt issues could be worked out, and this was a great opportunity to do something positive for the city and the ag community; questioned if funds would be found to construct the necessary facilities; and stated everyone needed to be at the table, reiterated this was a huge opportunity and he would support rescinding the 1999 resolution to show Mexicana the city was serious, and stated he would support

the formation of a task force. Councilmember Calhoun thanked Mexicana and stated this could happen and he looked forward to moving the issue forward in a positive manner.

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Mr. Goytortua, Mr. Esquivel and Ms. Jacobsen responded to questions of Councilmember Boyajian relative to how Mexicana dealt with Sacramento's ag concerns, if airline prices would be comparable to San Jose's, when Mexicana wanted to start their service, if city staff looked at Sacramento's and San Jose's issues, how long Sacramento has had international flights and if they have experienced any ag issues, if the 1999 resolution was due to the medfly issue, the Farm Bureau's concerns and if they felt staff was on the right track, if the Farm Bureau talked with Sacramento on precautions they took, and if the industry was willing to meet and talk with staff before next week's action item. Councilmember Sterling thanked Mexicana for their proposal and staff for their work, and explained why the resolution needed to be rescinded in order to move forward with the process.

President Castillo advised a letter from Congressman Cal Dooley in support of the issue had been received and entered it into the record. President Castillo addressed and expressed some concern with some comments made and/or clarified issues relative to staff moving too fast, leaving the ag community out of the loop, Council being able to do whatever it chooses to do if the resolution were to be rescinded, and ticket prices, and thanked Mr. Esquivel for all his work on the issue.

Ms. Montoy clarified staff would be bringing back a broader resolution that encompasses the concerns expressed in the current resolution and some of the funding issues, expressing Council's interest in pursuing an agreement with Mexicana Airlines and superceding the current resolution, and as well as language to insure that in the end technology will be in place to insure that the ag community is protected. There was no further discussion.

(9:50 A.M.) PRESENTATION BY POLICE CHIEF DYER REGARDING STEPS TAKEN TO ADDRESS THE GANG VIOLENCE PROBLEM IN THE CITY - COUNCILMEMBER CALHOUN

Chief Dyer gave an extensive overview of the violent crime trend that has occurred in the city recently and over the last few years and spoke to the departments' efforts in addressing the problem **(4 - 0)**.

Discussion ensued with Chief Dyer and City Manager Hobbs responding to questions and/or comments of Acting President Perea, Councilmembers Calhoun, Sterling and Boyajian, and President Castillo relative to the additional officers hired and how that improves public safety when Fresno County is cutting positions, reducing services, not processing people fast enough and/or giving early releases from jail, if adding 22 additional officers next year will really make a difference, periodic crime spikes and how to insure necessary resources (county and state parole positions) are available, the value of citizen participation and how neighborhood watch can be reestablished, if employment was a deterrent to crime, need to look at distribution of parolees, concern with neighborhood apathy and need to get neighborhoods interested and involved in fighting crime, and request for the police department to be pro-active and work closely with Fresno County on potential problems that may be caused with the new Asian refugees that will be coming to Fresno.

(10:00 A.M.) PRESENTATION BY THE PUBLIC SAFETY COMMISSION

President Castillo read the names of commission members into the record and thanked them for their report and for all their time, effort and work. Councilmember Duncan recognized and commended Nicole Zieba from the city manager's office for her work on the issue.

Lee Schultz, Public Safety Commission Member, gave an overview of the commission's work in assessing the fire and police departments' respective needs and projected costs and their report.

Police Chief Dyer and Fire Chief Bruegman thanked the commission and gave a brief overview of their needs and plans.

Councilmember Calhoun stated the projected costs to address the needs were shocking, especially for the fire department, and upon his request **(5 - 0)** Controller Quinto spoke to the financial side of the issue including where the city was heading with revenues and taxes and what challenge this posed for the city. Councilmember Calhoun commended and thanked the commission for all their work, noted the commissions's recommendations were very conservative, particularly with the police department, and requested staff take the

report under consideration and return to Council in two weeks with a report and recommendations including both short and long-term strategies for fire and police and a specific recommendation for a revenue stream to implement the recommendations. City Manager Hobbs stated if Council was amenable he was prepared to meet with the police and fire chiefs, a representative of the Mayor's office and a couple of council members to review the report and develop some specific recommendations to be played back to Council in two weeks. Councilmember Calhoun also commended police and fire staff for all their work and efforts.

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Councilmember Duncan commended the committee on an outstanding job and commented on and presented questions relative to the commission not specifically stating a utility or sales tax needed to be implemented, the \$50 million needed for fire department needs, impact of ISO rating, the significant future losses of revenue with the loss of Measure C funds and the changes that will be made to the pension benefit financing and if those issues had been factored into any analysis relative to how the city will function, and the critical public safety needs and importance and need for the public to understand the seriousness of the situation and what needs to be done including them investing more.

President Castillo questioned if Council could make an additional request to staff to engage Fresno County and report back on the county's concerns and their willingness to cooperate regionally, with City Attorney Montoy stating that was an action item and recommended that request be placed on next week's agenda. Ms. Montoy noted she did not see a date for a potential ballot measure and spoke to the tight timeline to place a measure on the ballot. Brief discussion ensued and President Castillo stated an action item would be scheduled in two weeks and Ms. Montoy stated she would talk with the city manager and put something on the agenda in one week if needed. Mr. Hobbs stated staff's report would include timelines for various options and added the Mayor met with Fresno County representatives yesterday and communication with the county was occurring. President Castillo thanked the commission and concurred making people aware of the personal effect this will have on them would be critical in moving this forward and would make them more receptive to the issue.

Mr. Schultz and Ms. Quinto responded to questions of Councilmember Boyajian relative to the polling data, number of people polled, the 10% for economic development and where those funds would go to, and if exaction/user fees were being looked at as a revenue stream. President Castillo left the meeting at 12:16 p.m. with Acting President Perea presiding. Mr. Hobbs added even with city efficiencies and cost savings the city did not have the kind of money that was needed to address the needs. There was no further discussion.

(10:30 A.M.) HEARING ON REZONE APPLICATION NO. R-03-55 AND ENVIRONMENTAL FINDINGS, FILED BY BENNETT DEVELOPMENT, INC., PROPERTY LOCATED ON THE NORTH SIDE OF E. CHURCH AVENUE BETWEEN S. PEACH AND S. MINNEWAWA IN COUNCIL DISTRICT 5

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. R-03-55/T-5235/C-03-191

2. BILL NO. B-47 - ORDINANCE NO. 2004-48 - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-A/UGM AND AE-5/UGM TO R-1/UGM, R-2/UGM AND C-1/UGM

Acting President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Braun reviewed the issue as contained in the staff report as submitted and recommended approval.

Speaking to the issue were: Gary Giannetta, Project Engineer representing the applicant, support; and Heidi Nakiyama, area resident, opposed.

Upon call, no one else wished to be heard and Acting President Perea closed the hearing.

Councilmember Dages clarified issues relative to the project and spoke in support stating it would be well-designed and architecturally compatible, and made a motion to approve staff's recommendation. Councilmember Boyajian spoke in opposition stating 1,500 people would impact the area and an EIR was needed.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. R-03-55/T-5235/C-03-191 dated April 1, 2004 hereby approved, and the above entitled Bill No. B-47 rezoning the property subject to the conditions noted in the staff report and ordinance bill for the proposed R-2/UGM zoned portion of the property adopted as Ordinance No. 2004-48, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea
 Noes : Boyajian, Sterling

Absent : Castillo

(10:40 A.M.) HEARING ON REZONE APPLICATION NO. R-03-61 AND ENVIRONMENTAL FINDINGS, FILED BY ARTEL FARMS, INC., PROPERTY LOCATED ON THE EAST SIDE OF N. POLK AVENUE BETWEEN W. ASHLAN AND W. GETTYSBURG AVENUES IN COUNCIL DISTRICT 2

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- 1.** CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-61/T-5259, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)
- 2. BILL NO. B-48 - ORDINANCE NO. 2004-49** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM R-1-C/UGM TO R-1/UGM

Acting President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Bernal reviewed the issue as contained in the staff report as submitted and recommended approval.

David Dyke, applicant representative, requested approval.

Upon call, no one else wished to be heard and Acting President Perea closed the hearing.

Councilmember Calhoun stated the project met all requirements and there were no complaints and made a motion to approve staff's recommendation. Upon question of Councilmember Boyajian, Planning Manager Haro stated the developer would contribute his fair share towards traffic signals.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the environmental finding of Environmental Assessment No. R-03-61/T-5259, dated March 17, 2004, that the project proposal conforms to the provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 hereby approved, and the above entitled Bill No. B-48 rezoning the project site adopted as Ordinance No. 2004-49, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Sterling, Perea
 Noes : None
 Absent : Castillo

(10:45 A.M.) HEARING ON REZONE APPLICATION NO. R-04-68 AND ENVIRONMENTAL FINDINGS, FILED BY CIAO PROPERTIES, PROPERTY LOCATED ON THE SOUTHWEST CORNER OF N. MAPLE AND E. COPPER AVENUES IN COUNCIL DISTRICT 6

- 1.** CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-04-68/T-5261, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER EIR NO. 10130
- 2. BILL NO. B-49 - ORDINANCE NO. 2004-50** - AMENDING THE OFFICIAL ZONE MAP TO REZONE FROM AL-20 TO R-1/UGM

(6 - 0) Acting President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Marple reviewed the issue as contained in the staff report as submitted and recommended approval.

Gary Giannetta, representing the applicant, spoke in support.

Upon call, no one else wished to be heard and Acting President Perea closed the hearing.

Councilmember Duncan stated this was a routine item with no opposition and noted action would bring the project into compliance, and made a motion to approve staff's recommendation. Planning Manager Haro responded briefly to questions of Councilmember Boyajian relative to existing and proposed uses for adjacent parcels and if the developer would pay his fair share.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, **RESOLVED**, the environmental finding of Environmental Assessment No. R-03-68/T-5261 issued on February 25, 2004, that the project proposal conforms to the

provisions of the 2025 Fresno General Plan Master Environmental Impact Report (MEIR) No. 10130 hereby approved, and the above entitled Bill No. B-49 rezoning the project site adopted as Ordinance No. 2004-50, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Perea
 Noes : Boyajian
 Absent : Castillo

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(10:50 A.M.) HEARING ON PLAN AMENDMENT NO. R-03-14, REZONE APPLICATION NO. R-04-23, AND ENVIRONMENTAL FINDINGS, FILED BY MCMILLIN HOMES, PROPERTY LOCATED ON THE NORTHWEST CORNER OF S. PEACH AND E. BUTLER AVENUES IN COUNCIL DISTRICT 5

1. CONSIDER AND ADOPT A MITIGATED NEGATIVE DECLARATION FOR ENVIRONMENTAL ASSESSMENT NO. A-03-14/R-04-23/T-5262

2. RESOLUTION NO. 2004- 157- AMENDING THE 2025 FRESNO GENERAL PLAN AND THE ROOSEVELT COMMUNITY PLAN

3. BILL NO. B-50 - ORDINANCE NO. 2004-51 - AMENDING THE BUTLER-WILLOW SPECIFIC PLAN

4. BILL NO. B-51 - ORDINANCE NO. 2004-52 - AMENDING THE OFFICIAL ZONE MAP TO REZONE A 7.5 ACRE PORTION OF THE PROJECT SITE FROM R-P/BA-15-30 TO R-1/BA-15-30

Acting President Perea announced the time had arrived to consider the issue and opened the hearing. Planner Chamberlain reviewed the issue as contained in the staff report as submitted and recommended approval.

Bill Walls, representing the applicant, spoke in support of staff's recommendation.

Upon call, no one else wished to be heard and Acting President Perea closed the hearing.

Councilmember Dages stated there were no complaints, thanked the developer for graffiti clean up, and made a motion to approve staff's recommendation. Ms. Chamberlain and Councilmember Dages responded briefly to questions of Councilmember Boyajian relative to whether the developer would pay his fair share and if development would occur north of the site.

On motion of Councilmember Dages, seconded by Councilmember Duncan, duly carried, **RESOLVED**, the finding of a Mitigated Negative Declaration for Environmental Assessment No. A-03-14/R-04-23/T-5262 dated April 1, 2004, hereby approved, the above entitled Resolution No. 2004-157 adopted, and the above entitled Bill Nos. B-50 and B-51 adopted as Ordinance Nos. 2004-51 and 2004-52, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Perea
 Noes : Boyajian
 Absent : Castillo

LUNCH RECESS - 12:38 P.M. - 2:04 P.M.

(2:00 P.M. #1) CONTESTED CONSENT ITEMS:

(1-A) APPROVE MODIFICATION OF THE HANDY RIDE PARATRANSIT CONTRACT WITH LAIDLAW TRANSIT SERVICES FROM 20 MONTHS TO 12 MONTHS

1. RESOLUTION NO. 2004- 158- 74TH AMENDMENT TO AAR 2003-209 APPROPRIATING \$478,600 TO FUND THE INCREASED COST OF HANDY RIDE PARATRANSIT SERVICES IN FY 2004

Councilmember Calhoun stated the increase in program costs caught his eye and questioned if the service was used a lot, if the city would be facing these kinds of increases in the future, how one-half million dollars in reserves to cover the increased costs was "sitting around", if the program was out of control, if certified individuals could use the service numerous times a day, if this program was followed in other municipalities, if this was a free service, and if the program was audited by in-house auditors, with Transit General Manager Rudd responding.

On motion of Councilmember Calhoun, seconded by Acting President Perea, duly carried, RESOLVED, a modification of the Handy Ride Paratransit contract with Laidlaw Transit Services from 20 months to 12 months hereby approved and the Transit General Manager authorized to execute a contract extension for a period of one year, and the above entitled Resolution No. 2004-158 hereby adopted, by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Sterling, Perea
 Noes : None
 Absent : Castillo

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(1-I) APPROVE AMENDMENTS TO SECTION 7 OF THE BICYCLE AND PEDESTRIAN CHARTER, COMPOSITION OF, AND PROCESS FOR, APPOINTMENT TO THE BICYCLE ADVISORY COMMITTEE

Councilmember Sterling noted some council members have appointed members to the committee and some have not and stated if staff's recommendation is approved she will not be able to appoint her proposed appointee -- Gene Richards. Assistant Public Works Director Elam clarified Council's prior direction for 9 members and retaining current members, and recommended, if Council was comfortable, that the size of the committee be increased to 11 members so that council members from Districts 2, 3 and 5 could make an appointment. A motion and second was made to approve staff's recommendation with the addition of three (3) additional appointees. Mr. Elam stated staff would bring back the proposed appointees for Council's confirmation next week.

President Castillo returned to the meeting at 2:22 p.m. Councilmember Duncan noted for the record there were three members who resided in his district but he only appointed one -- John Shehady.

On motion of Councilmember Sterling, seconded by Councilmember Calhoun, duly carried, RESOLVED, an amendment to Section 7 of the City's Bicycle and Pedestrian Charter regarding committee composition and appointment hereby approved, *as amended*, to allow three additional appointments (one appointment each by Councilmembers Calhoun/District 2, Sterling/District 3 and Dages/District 5), by the following vote:

Ayes : Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
 Noes : None
 Absent : None

(1-J) AWARD A REQUIREMENTS CONTRACT TO ENGINEERED CONTROLS, INC., OF CLOVIS FOR REPAIR AND PAINTING OF METAL REFUSE BINS FOR THE CITY'S SOLID WASTE DIVISION

Councilmember Calhoun noted there was only one responder, stated sole providers tend to run up costs as much as they can and he felt action needed to be delayed and staff needed to rebid the project, questioned if this work could be done in-house, and made a motion to reject the bid and direct staff to rebid the project (which motion died due to lack of a second).

Interim Purchasing Manager Smith stated staff put out many call, advised there was little interest in this service and there were not many companies that did this locally, and stated she did not feel rebidding would not result in any more bids being received.

Assistant Public Utilities Director Weimiller spoke further to outsourcing versus in-house, clarified a competitive bid process took place, spoke to the increases in prices and clarified the sole responder did not know they would be the only responder, and recommended Council award the contract.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, a one-year requirements contract, with provisions for two one-year extensions, hereby awarded to Engineered Controls, Inc., of Clovis in the amount of \$162,456.25 for repair and painting of metal refuse bins for the city's solid waste division, by the following vote:

Ayes : Boyajian, Dages, Duncan, Perea, Sterling, Castillo
 Noes : Calhoun
 Absent : None

(1-P) RESOLUTION NO. 2004-159 - REQUESTING THE FRESNO COUNTY BOARD OF SUPERVISORS' SUPPORT OF THE CHAFFEE ZOO COMMITTEE'S REPORT AND RECOMMENDATIONS

Councilmember Calhoun stated he did not see any real teeth in the resolution relative to asking Fresno County to help pay and he felt Council needed to ask the County for a specific minimal amount of financial contribution, noted there was a cost to place the measure on the ballot and stated the Board, at a minimum, should help up front if they truly believed the zoo was a regional zoo, and made a motion to amend #2 on Page 2 of the resolution to request the Board of Supervisors to share the cost of placing a 7-year county-wide sales tax measure on the November ballot.

143-167

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Assistant City Manager Souza advised the Board had stated in discussions they were not willing to pay to place the measure on the ballot, stated they know if they want a seat on the 501c3 they will have to pay, stated city and county staff were not going to negotiate a deal that these things will happen after the fact, and stated this resolution was the first step in the process and it could be amended if Council so desired. Councilmember Calhoun clarified his motion was only requesting them to share the cost and was not forcing anything and he saw no reason why a stronger message should not be sent.

(7 - 0) City Attorney Montoy stated the three items in the resolution were very carefully drafted to mirror the recommendations of the commission and met Council's direction, and clarified the way it was written the County would bear the cost as it was their jurisdiction to put the measure on the ballot. Discussion ensued on talks with the County and staff's understanding.

President Castillo stated it was a disservice to the hard work of the committee that no one was willing to step up and take charge of the cost and stated it was his understanding the zoo committee asked and the County said they would pay, with Mr. Souza responding. Councilmember Calhoun reiterated his motion and it was seconded by Councilmember Sterling.

Councilmember Duncan stated he opposed the motion, he wanted to make sure the zoo did not become a victim of politics, clarified this resolution would start the process and everyone needed to get behind the efforts, and state there was so much to be worked out and he wanted to send a positive message to the County. City Manager Hobbs stated he, too, was uncomfortable with some of the negativity that was coming up because it did not capture the reality of what was going on and stated there was a very good city-county working relationship on this issue and he did not want this issue put in the wrong context.

A motion of Councilmember Calhoun, seconded by President Castillo, to adopt the above entitled Resolution with an amendment to #2 on Page 2 to add the italicized wording as follows: "2. The Council further requests the Board of Supervisors *share the cost with the City of Fresno* to place a 7-year county-wide sales tax measure on the November 2004 ballot." failed, by the following vote:

Ayes :	Calhoun, Castillo
Noes :	Boyajian, Dages, Duncan, Perea, Sterling
Absent :	None

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2004-159 hereby adopted, by the following vote:

Ayes :	Boyajian, Dages, Duncan, Perea, Sterling
Noes :	Castillo
Absent :	None
Abstain :	Calhoun

(1-K) AUTHORIZE THE CITY TO EXTEND A LEASE WITH THE FRESNO RESCUE MISSION, INC., TO PROVIDE YOUTH RECREATION SERVICES AND ALTERNATIVE PLACEMENT OF INEBRIATED INDIVIDUALS FOR THE FRESNO POLICE DEPARTMENT

Capt. Garner explained the proposal for the alternative placement of inebriated individuals, and clarified the individuals would have to meet criteria and there would only be a small number that would be given the option of going to the Rescue Mission or jail.

Speaking in opposition to the proposal were: Edith Jessup, 3857 N. Angus; Mike Rhodes, 4773 N. Arthur; and Gloria Hernandez,

3232 E. Hedges. Larry Arce, CEO, Fresno Rescue Mission, spoke in support.

Councilmember Calhoun stated he was intrigued and impressed with the proposal, stated it needed to be tried out and added if it does not work the police department and the Rescue Mission would fix it, and made a motion to approve staff's recommendation.

Capt. Garner and City Attorney Montoy responded to questions of Councilmembers Boyajian and Duncan relative to giving individuals the option, the point at which a police officer determines if individuals are able to make a decision, facility amenities, if the city attorney was in support of this, if individuals will not be sent to the main Rescue Mission facility, if help/assistance will be offered to individuals, if the purpose of this proposal was to target the homeless, if individuals apprehended city-wide would be offered this alternative, and what mechanism was in place for people who have a significant drinking problem. Councilmember Duncan stated the fundamental issue here was freedom of choice and seconded Councilmember Calhoun's motion.

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Lengthy discussion ensued with Capt. Garner and Ms. Hernandez responding to questions and comments of Councilmembers Dages and Sterling, Acting President Perea, and President Castillo relative to whether drivers would be given this option, what the process was now for those picked up and how it is determined where they will go, what other alternatives Ms. Hernandez would like to see, **(8 - 0)** commitment that no one will be taken advantage of, if this was a temporary or long-term solution, the savings and where they will go, if there was a serious problem with people drunk in public, targeting certain events, i.e. FSU football games, reason for the panhandling ordinance and why people are now going to be given an option versus being cited/jailed, drunk in public and DUIs being a crime and why one is allowing an alternative, exact location of the facility and how it will look, and if there will be any requirements/conditions for the individuals such as worshipping at the Rescue Mission.

On motion of Councilmember Calhoun, seconded by Councilmember Duncan, duly carried, RESOLVED, the City authorized to extend a lease with the Fresno Rescue Mission Inc., to provide youth recreation services and alternative placement of inebriated individuals for the Fresno Police Department, by the following vote:

Ayes :	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes :	None
Absent :	None

(3:00 P.M.) PRESENTATION OF FISCAL YEAR 2005 BUDGET - MAYOR AUTRY

Mayor Autry commended Budget Manager Smith and her staff for all their hard work on the budget; advised the budget was based on the four cornerstones laid down last year which were maintaining essential city services with continued commitment to public safety and prevention of violent crime, investment in job creation for economic development, investment in neighborhood infrastructure, and protection of the City's reserve; reviewed some of the key issues in each cornerstone and other key initiatives in the budget; and spoke to what the city has done in anticipation of the State budget stating the city was well prepared. President Castillo stated in looking over the budget he felt this was going to be a budget to deliberate and not fight over and he looked forward to a budget that puts the city first.

Gloria Torrez spoke to the need to consider all people, not just the youth and seniors; requested the senior age be lowered to 55 years; spoke in opposition to natural gas and the fueling facility stating those dollars needed to be put back into transit for improved services and amenities; and stressed all FAX dollars needed to stay with FAX.

Council members thanked the Mayor and staff and commented briefly with Councilmember Dages stating he looked forward to a smooth ride; Councilmember Duncan stating he wanted a briefing on the \$300,000 for the vocational training school; Councilmember Sterling thanking the Mayor for taking into consideration all that was important to the community, i.e. the police auditor, \$45 million for infrastructure needs, and youth and seniors, and added social service programs could not be overlooked; and Acting President Perea stating he agreed with 95% of the budget and spoke in support of the No Neighborhood Left Behind Program, economic development and job creation.

President Castillo distributed a tentative budget hearing schedule and **(9 - 0)** requested Council's input. Upon question of Councilmember Dages President Castillo stated his intent was to consider the budget from 11:00 a.m. to 5:30 p.m. each date, and upon question of Councilmember Duncan confirmed motions would only be acted upon if they receive a second. The Mayor and staff were again thanked and there was no further discussion.

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LABOR NEGOTIATOR - EMPLOYEE ORGANIZATIONS:

1. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF MANAGEMENT)
2. INTERNATIONAL ASSOCIATION OF FIREFIGHTERS (IAFF NON-MANAGEMENT) LOCAL 753

The City Council met in closed session in Room 2125 at the hour of 4:21 p.m. to consider the above issues and reconvened in open session at 4:35 p.m.

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(3:45 P.M.) THE "NEW CITY BEAUTIFUL"

(A) RECEIVE STATUS REPORT ON DEVELOPING A SUSTAINABLE ("GREEN") BUILDING POLICY FOR THE CITY OF FRESNO

(B) HISTORIC PRESERVATION

1. STATUS REPORT ON THE RECOMMENDATION FROM THE BLUE RIBBON COMMISSION ON HISTORIC PRESERVATION
2. CONSIDER AND APPROVE NOMINATIONS TO THE LOCAL REGISTER OF HISTORIC RESOURCES
 - (a.) RESOLUTION NO. 2004-160** - DESIGNATING THE ERNEST J. HUNTZICKER MEMORIAL HALL, 245 N. CALAVERAS, TO THE LOCAL REGISTER OF HISTORIC RESOURCES
 - (b.) RESOLUTION NO. 2004-161** - DESIGNATING THE FRESNO TROLLEY CAR DINER, 1731 S. CHERRY AVENUE, TO THE LOCAL REGISTER OF HISTORIC RESOURCES
 - (c.) RESOLUTION NO. 2004-162** - DESIGNATING THE GATES-TWINING HOME, 640 E. PINE AVENUE, TO THE LOCAL REGISTER OF HISTORIC RESOURCES
 - (d.) RESOLUTION NO. 2004-163** - DESIGNATING THE JOHN C. FOX HOME, 128 N. CALAVERAS, TO THE LOCAL REGISTER OF HISTORIC RESOURCES
 - (e.) RESOLUTION NO. 2004-164** - DESIGNATING THE SAMUEL E. JOHNSTON HOME, 1526 E. ANDREWS AVENUE, TO THE LOCAL REGISTER OF HISTORIC RESOURCES
 - (f.) RESOLUTION NO. 2004-165** - DESIGNATING THE STATE CENTER WAREHOUSE AND COLD STORAGE COMPANY, 747 "R" STREET, TO THE LOCAL REGISTER OF HISTORIC RESOURCES
 - (g.) RESOLUTION NO. 2004-166** - DESIGNATING THE THOMAS THORN HOME, 2543 E. MADISON AVENUE, TO THE LOCAL REGISTER OF HISTORIC RESOURCES

(C) RESOLUTION NO. 2004-167 - ADOPTING A PUBLIC ART POLICY

Planning & Development Director Yovino advised the New City Beautiful movement started in 1893 through the Chicago World's Fair, stated it embraces an integrated approach to urban design with city planning, parks and open space, health and environmental issues and beautiful architecture, and along with Historic Preservation Project Manager Hattersley-Drayton and Parks & Recreation Director Smejkal reviewed Items "A", "B" and "C", all as contained in the staff reports as submitted, and recommended approval.

Speaking to the issues were: Mark Alvis, 536 W. Fedora, who spoke to sustainable building and its long term benefits and displayed some actual materials; Barbara Ortiz, 1731 S. Cherry, owner of the historic trolleys/support for staff's recommendation; Stan Bitters, 1471 N. Whitney, support for public art policy/percentage fee; Linda Zachritz, 2014 Tulare Street, support for public art policy; Warren Thompson, 5151 N. Palm #500, representing the State Warehouse and Cold Storage Co., who spoke to their loft-type office project and in support of staff's recommendation; and Jeff Roberts, Granville Homes, 1396 W. Herndon, support for the city's efforts in these areas and support for public art policy resolution.

Upon call, no one else wished to be heard and President Castillo closed public testimony.

Councilmember Calhoun stated this was a defining moment, he was supportive of all three issues and there was a lot of credit to go around, stated he was particularly excited about Item "B" and explained **(10 - 0)** stating this was the direction the city should be going, and made a motion to approve staff's recommendation on Item "B", which motion was seconded and later acted upon.

Acting President Perea stated Items "A" and "C" were very near and dear to his heart and he had been working on them for some time with staff and the Fresno Arts Council, commended staff for their work and leadership, and made a motion to approve staff's recommendations on Items "A" and "C", which motion was seconded and later acted upon.

City Manager Hobbs commended staff for their unified approach to these issues under the heading of City Beautiful, and read into the record a citizenship oath that adult residents of ancient Athens had to take which talked about "civic duty and the importance of transmitting the city not less but greater, better and *more beautiful* that it was transmitted to them", emphasizing they had a sense of the importance of community aesthetics and how important it could be in everyone's lives. Mr. Hobbs responded to questions and comments of Councilmember Dages relative to who would determine what public art is, how he was supposed to support the public art policy if it could not be defined, and concern with the percent for art program due to its impact on the general fund and concern with recommending approval when other high priority needs cannot be funded such as the senior resource center, public safety, traffic signals, and parks and zoo needs.

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Ms. Hattersley-Drayton and Mr. Yovino responded to questions and comments of Councilmember Boyajian relative to the Thorn Home, timetable for preservation, who determines what a viable building is, the historic preservation ordinance being very general, and concern with buildings in his district that are not being addressed.

Relative to the public art policy, Acting President Perea clarified a percent for art program was not being talked about here, stated the policy was drafted in a way that it left a lot of discretion towards the department head as well as the city manager to determine whether or not it makes fiscal sense to move forward, and advised this was simply looking at including artists in the design process of buildings and offering incentives for private developers if they so choose.

On motion of Councilmember Calhoun, seconded by President Castillo, duly carried, RESOLVED, the above entitled Resolution Nos. 2004-160 through 2004-166 hereby adopted, by the following vote:

Ayes	:	Boyajian, Calhoun, Dages, Duncan, Perea, Sterling, Castillo
Noes	:	None
Absent	:	None

On motion of Acting President Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the status report on developing a sustainable ("green") building policy for the City of Fresno received, and the above entitled Resolution No. 2004-167 establishing a public art policy for the City of Fresno hereby adopted and the City Manager authorized to implement the public art policy in the most efficient and cost effective manner, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo
Noes	:	Dages
Absent	:	None

(5:00 P.M.) HEARING ON REZONE APPLICATION NO. R-03-12, AND ENVIRONMENTAL FINDINGS, FILED BY LOGAN MONTEMAGNI AND ASSOCIATES ON BEHALF OF MARATHON PROPERTIES, LLC, PROPERTY LOCATED ON THE SOUTH SIDE OF E. ALTA AVENUE BETWEEN S. ORANGE AND S. SEVENTH STREET IN COUNCIL DISTRICT 5

1. CONSIDER AND ADOPT ENVIRONMENTAL ASSESSMENT NO. R-03-12/S-03-045, FINDING OF CONFORMITY TO THE 2025 FRESNO GENERAL PLAN MASTER ENVIRONMENTAL IMPACT REPORT (MEIR NO. 10130)
2. BILL - AMENDING THE OFFICIAL ZONE MAP TO REZONE THE SITE FROM R-1 TO R-2

President Castillo announced the time had arrived to consider the issue and opened the hearing.. City Clerk Klisch and City Attorney Montoy advised a translator was requested and was present to provide the service. The entire proceedings were translated in both English and Spanish by translator Debra Weaver and at times by Ms. Montoy and President Castillo.

Planning Manager Haro reviewed the issue as contained in the staff report as submitted and recommended approval.

Applicant Monte Montemagni reviewed the project and related issues and stated this was a good project and requested Council's support.

Speaking in opposition to the project were: Juanita Gonzales, 927 S. Seventh Street; Cristo Herrera, 3650 E. Alta **(11 - 0)**; Viabaldo Serrato, 944 S. Seventh; Liliana Gutierrez, 17 Orange; Hileberto Rosales, 920 S. Seventh; Javier Janas, 3721 E. Alta; Mike Perez, Principal, Winchell Elementary, who spoke to how the now over-crowded school would be impacted; and Larry Gonzales, 928 S. Seventh.

Upon call, no one else wished to be heard and President Castillo closed the public testimony portion of the hearing.

Mr. Montemagni and Transportation Manager Benavides responded to questions of Councilmember Boyajian relative to specifics of the units, if the complex would be gated, the road for ingress and egress, materials that would be used, layout of the units, if congestion at the complex would occur, and if any schools were planned in the future.

Councilmember Dages thanked all the residents for attending, stated this was a tough decision for him as he was pro-development, noted he was elected to represent the people of southeast Fresno and their viewpoints needed to be his viewpoints, stated he concurred with residents about families coming first and stated the district needed more houses and not apartments, and advised no one supported the project at the neighborhood meeting and made a motion to deny the rezone due to safety issues and the project being non-compatible to the area.

143-171

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Mr. Haro responded to questions and comments of Councilmember Duncan relative to input by Fresno Unified and them not being opposed to the project, the process going on for over one year and if many issues were mitigated, **(12 - 0)** if this project complied with the 2025 general plan, need to accommodate growth and increased densities occurring city-wide, if the 5-bedroom units for large families was unique, if the project was consistent with housing policy, if traffic issues could be mitigated, and how important the overall success of the general plan was. Councilmember Duncan stated he took the general plan very seriously, noted he has found when tough decisions are made people find it wasn't so bad after all, and noting Councilmember Dages' motion did not receive a second made a motion to approve staff's recommendation. Councilmember Boyajian seconded Councilmember Dages' motion to deny stating he thought it had received a second.

Acting President Perea stated he was prepared to support the item after reading the staff report but after listening to testimony he was a little on the fence now, noted a similar issue in his district occurred and advised after a couple more meetings with the developer all the issues were resolved, and questioned if there was any potential to solving some of the traffic issues noting he was concerned with the congestion and was a little concerned with the impact on Winchell School, with Mr. Yovino advising Council of their options. Acting President Perea asked if Councilmember Dages was willing to modify his motion to deny without prejudice to allow the developer and neighborhood to continue talks, with Councilmember Dages stating he would. Acting President Perea stated he wanted to see the lot developed, emphasized something would go there, and told the neighborhood this was a two-way street and there had to be a compromise.

President Castillo questioned what the existing uses were on adjacent parcels (with staff responding), expressed concern with putting six residences on the subject site when adjacent sites had only one or two homes, and stated this was a quality of life and pride of ownership issue and encouraged the developer to think about constructing single-family homes stating there were already too many apartments.

Councilmember Calhoun stated he was having a problem with what he considered some hypocrisy here, noted some months ago he asked Council to stop a 200+ unit apartment project in his district because 1,500 units had been approved one after the other in the Fig Garden area, noted this was a very small in-fill project that complied with the general plan, and stated the motion to deny was wrong, the project should be approved, and Council should be consistent with city policies.

On motion of Councilmember Dages, seconded by Acting President Perea, duly carried, RESOLVED, Rezone Application No. R-03-12 to rezone the project site from R-1 to R-2 subject to development of the site being in conformance with Site Plan Review Application No. S-03-45 denied without prejudice, by the following vote:

Ayes :	Boyajian, Dages, Perea, Castillo
Noes :	Calhoun, Duncan, Sterling
Absent :	None

UNSCHEDULED ORAL COMMUNICATIONS:

ACTION BY THE MADERA COUNTY BOARD OF SUPERVISORS ON THE RIO MESA RIVER RANCH ESTATES PROJECT-COUNCILMEMBER CALHOUN

Upon request, Planning & Development Director Yovino advised he attended and spoke at the Madera meeting this date, reported on the Board's action certifying the EIR for the project on a 4-1 vote, and responded to questions relative to what would happen without legal intervention. Councilmember Dages left at 7:31 p.m. and was absent for the remainder of the meeting.

APPEARANCE BY JOSEPH KITCHEN, NATIONAL CONGRESS FOR A BETTER AMERICA, REGARDING LACK OF RESPONSE FROM CITY OFFICIALS ON HIS PROPOSAL FOR A YOUTH ADVISORY BOARD

Appearance made with City Manager Hobbs and Councilmember Sterling stating staff would contact Mr. Kitchen and follow-up on the issue. Acting President Perea spoke briefly to the issue and stated he hoped staff would provide Council with a report soon.

Councilmember Calhoun noted Councilmember Dages left after Council had a two-hour debate on his district issue, stated if Council was going to stay late into the evening all members needed to be committed, and stated he found it troublesome when members leave and important issues still need to be considered.

143-172

5/11/04

(3-A) DISCUSSION AND ACTION IN THE PREPARATION OF NECESSARY DOCUMENTS TO BE SUBMITTED PRIOR TO A SPECIAL MEETING BEING HELD IN SACRAMENTO ON MAY 13, 2004, RELATING TO THE PROPOSAL BEING PLACED ON THE NOVEMBER BALLOT BY THE LEAGUE OF CALIFORNIA CITIES PERTAINING TO PROTECTING THE CITY AND COUNTY OF FRESNO'S BUDGET FROM THE STATE OF CALIFORNIA - COUNCILMEMBER CALHOUN

-and-

(3-B) COUNCIL DISCUSSION AND DIRECTION REGARDING THE LOCAL TAXPAYERS AND PUBLIC SAFETY PROTECTION ACT INITIATIVE AND EFFORTS TO INTRODUCE A PROPOSED ALTERNATIVE - COUNCILMEMBER CALHOUN

City Manager Hobbs noted he passed out the Mayor's statement on the LOCAL position and negotiations with the Governor's Office and the League.

Councilmember Calhoun spoke to the League's efforts to protect local governments and to the ballot measure that got qualified and was **(13 - 0)** now getting Sacramento's attention, and noted Council gave direction to the Mayor and staff that they were supportive of the ballot measure and questioned if Council wanted to take a different tact, do anything more or nothing more than what has already been done, and if staff needed further direction or if they were ok with past direction. Controller Quinto submitted additional written information to Council on the issue which provided a matrix that gave a side-by-side comparison of the newly negotiated tentative agreement and the League's original initiative, spoke to staff's involvement and the Mayor's support of the tentative agreement, and stated the bottom line was all the revenues that were protected in the LOCAL initiative will be protected with the constitutional amendment that was part of the agreement and elaborated. Councilmember Calhoun stated it appeared the city was prepared and added hopefully what eventually turns out will be better, and stated he hoped there would be some pain for the legislators in Sacramento.

Councilmember Duncan thanked the Mayor and Ms. Quinto for all their work and stated he trusted them as they knew what the issues were and they were doing a great job, and made a motion to give the Mayor and the city delegation Council's full support.

Councilmember Calhoun clarified he combined Items 3A and 3B and they were one and the same.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the City Council gives it full support to the Mayor and the city delegation in their direction and their action, by the following vote:

Ayes	:	Boyajian, Calhoun, Duncan, Perea, Sterling, Castillo
Noes	:	None

Absent : Dages

(3-C) COUNCIL DISCUSSION AND DIRECTION REGARDING THE TIME LINES FOR AGENDA DISTRIBUTION - PRESIDENT CASTILLO

President Castillo advised he has been told by a number of people that there was not enough time to review Council issues before meetings and they preferred that the agenda be published one week in advance of meetings. Councilmember Calhoun advised he raised the same issue sometime back and in discussions with staff who tried a different process it was found that earlier submittal/publication of council materials did not work and was not feasible. There was no further discussion.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 8:01 p.m. having arrived and hearing no objections, President Castillo declared the meeting adjourned.

APPROVED on the ____18th____day of _____May_____, 2004.

_____/s/_____
_____/s/_____
ATTEST:_____

Brad Castillo, Council President

Yolanda Salazar, Assistant City Clerk